



# City of Asheville, NC

## REQUEST FOR QUALIFICATIONS

### Engineering Services

### **Civic Center HVAC Retrofit & Energy Usage Modeling, Asheville, NC**

**This project is funded under the American Recovery and Reinvestment Act of 2009**

**Submittal Address:** Linda Fowler  
Project Manager  
Energy Retrofit Projects  
City of Asheville  
70 Court Plaza  
P.O. Box 7148  
Asheville, NC 28801

**Bid No.: 298-SUS-AARA-EECBG-01-2010**

**Submittal Deadline: 5:00 P.M., March 19, 2010**

**Inquiries: All inquiries and questions about this proposal must be submitted in writing by email to Linda Fowler at [lfowler@ashevillenc.gov](mailto:lfowler@ashevillenc.gov).**

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**REQUEST FOR PROPOSALS**  
**Engineering Services**  
**Asheville Civic Center Banquet Hall HVAC Design**  
**Civic Center Banquet Hall Energy Usage Modeling**

**A. GENERAL**

The U.S. Department of Energy, as part of the American Recovery and Reinvestment Act (ARRA) has granted funds to the City of Asheville, North Carolina, for energy retrofit work to be performed at several city-owned facilities in Asheville, N.C. Increased energy efficiency, reduced energy consumption and reduced energy costs through efficiency improvements in building is a high priority in this project in addition to job creation and increased productivity to spur economic growth and community development.

The City of Asheville is seeking the services of a qualified engineering firm to work with staff to development building modeling and engineering specifications for HVAC retrofit work. The scope of the work will be to provide building modeling in two locations, HVAC design, construction documents and specifications, engineer's estimate of construction costs, construction administration and inspection.

The U.S. Department of Energy requires all work of the projects, including design and construction, be completed by December 31, 2010. **(See Exhibit A, U.S. DEPARTMENT OF ENERGY, SPECIAL TERMS AND CONDITIONS – FINANCIAL ASSISTANCE, SPECIAL PROVISIONS RELATING TO WORK FUNDED UNDER AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009.)**

The City of Asheville supports the participation of local and minority vendors on this project. The Request for Proposals response should indicate the percentage and type of work that will be completed by local and/or minority vendors. For assistance or any questions in regards to minority business outreach, please contact James Lee, Minority Business Program Coordinator for the City of Asheville at (828) 232-4566 or [jlee@ashevillenc.gov](mailto:jlee@ashevillenc.gov). To search for minority vendors, you will need to search at [www.doa.nc.gov/hub](http://www.doa.nc.gov/hub). The City of Asheville uses the minority listing for the state which is provided through their VendorLink system.

Interested engineering firms should submit six (6) copies of an initial Request for Proposals, which includes the following information.

**B. SERVICES AND RESPONSIBILITIES**

**I. Project Tasks**

<b>Task #1</b>	<b>Building Modeling: Asheville Civic Center</b> – The Consultant will be required to perform building modeling for the Asheville Civic Center
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current energy usage and post retrofit energy usage. Modeling shall be performed in accordance with Progress Energy Carolinas Rebate Program requirements specified in the Progress Energy handbook located on the Progress Energy web site [http://www.progress-energy.com/custservice/carbusiness/efficiency/programs/eebiz/CIG\\_Policies\\_Procedures.pdf](http://www.progress-energy.com/custservice/carbusiness/efficiency/programs/eebiz/CIG_Policies_Procedures.pdf) . Time of performance of the modeling studies is to be arranged with Asheville Sustainability Office staff.

- Task #2 HVAC Retrofit for the Civic Center Banquet Hall and Office** – The Consultant will provide design and sizing specifications to remove the existing chilled water coils in the Air Handling Units and provide a new, energy efficient system to provide heating and cooling to the banquet hall area and the administrative offices. The design shall include all required heating and cooling components, electrical and control wiring requirements, refrigerant lines, and operational controls necessary to provide a complete and operational system. The specifications for new equipment and systems must comply with Progress Energy Carolinas Rebate Program.
- Task #3 Construction Specifications and Drawings** – Complete specifications will be required as part of this project. These specifications will include construction specifications and required drawings (if any) in addition to all legal and technical documents required to bid and install the system. Specifications shall include a requirement for coordination with the fire suppression system in the ductwork included in or affected by the new equipment. The specifications and drawings shall be submitted for review at 75% and 90% completion. Four copies of the Construction Specifications and Drawings shall be submitted to the City's designated project manager for each of the progress stages.
- Task #4 Engineer's estimate** – An engineer's estimate will be prepared as part of this work. The engineer's estimate will include line items for equipment and estimated cost of labor and installation components. Included, as an alternate, zone control systems for operation of the newly installed equipment. An engineer's estimate should be prepared at 75%, 90% and final design stages.
- Task #5 Construction administration** - The consultant will provide construction administration during the construction of the project. This work shall include inspection and approval of HVAC equipment and installation, oversight of equipment commissioning and startup, review and approval of pay requests.

- II. Timeline for each task**  
**III. List of deliverables**

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## **C. REQUIREMENTS FOR REQUEST FOR PROPOSALS**

The Request for Proposals should be provided in the following format. The submittal should be no more than thirty (30) double sided pages excluding résumés.

1. A transmittal letter and general description of the firm's capabilities.
2. A listing of relevant experience for projects previously completed, or projects currently underway. Key personal, partnerships with other firms, references and project cost must be included for each project.

A contact person must be provided for the owner of each project. This person shall be someone who worked closely with the project and the engineering firm. Provide full contact information for each reference.

3. A project approach must be provided and include all key services. The project approach should identify methods, key personal involved with each stage, deliverables and sequence schedule. The project approach must demonstrate the firm's capabilities and expertise in the specialized area of mechanical engineering.
4. Résumés of the firm's key individuals proposed for this project and organization chart indicating any proposed subcontractors and/or parties to a joint venture.
5. Participation by local and/or minority business should be indicated by percentage and type of work to be performed.

## **D. QUALIFICATIONS EVALUATION PROCEDURE**

Evaluation of all proposals will be accomplished in the following manner:

1. A review committee will be composed of city staff.
2. Review committee members will study each proposal and rate them on a standardized form. The form will consist of the following categories:
  - a. Pertinent experience of the firm 10%
    - 1) Qualification of the firm members.
    - 2) Key personnel's professional background and expertise.
  - b. Pertinent experience on similar projects 25%
    - 1) Capability to perform work.
    - 2) Demonstrated experience in specialized areas of HVAC design and energy efficient retrofit.

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- c. Project approach 25%
    - 1) Interest in undertaking the project.
    - 2) Understanding of the project's unique characteristics.
    - 3) Acceptability of approach methods and deliverables.
    - 4) Ability to properly manage aspects of the project in order to stay on schedule and at cost.
  - d. Team Dynamics 20%
    - 1) Logical team make-up.
    - 2) Ability to commit resources.
    - 4) Participation of local and/or minority vendors.
  - e. Past performance. 20%

The review committee will select the most qualified firm based on the above criteria. In the event that the committee determines that more than one firm is equally qualified, they may elect to short list these firms for further review. This review may consist of interviews.

## **E. CONTRACT REQUIREMENTS**

The successful firm as selected by the review committee will be expected to execute a City of Asheville contractual agreement before providing the herein described professional services. In addition the consultant shall comply with terms and conditions included herein.

Statements received will be reviewed and further information will be solicited from firms demonstrating the most qualified credentials. For further information regarding this project, please contact Linda Fowler, Project Manager, [lfowler@ashevillenc.gov](mailto:lfowler@ashevillenc.gov). Questions regarding selection or submittal requirements may be directed to Ms. Fowler.

Proposals should be submitted to the City of Asheville, Office of Sustainability, 70 Court Plaza, 2<sup>nd</sup> Fl., P.O. Box 7148, Asheville, North Carolina, 28802, and attention: Linda Fowler, Project Manager. **The deadline for submittals is 5:00P.M., March 19, 2010.**

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Exhibit A

**U.S. DEPARTMENT OF ENERGY**

**SPECIAL TERMS AND CONDITIONS – FINANCIAL ASSISTANCE**

**SPECIAL PROVISIONS RELATING TO WORK FUNDED UNDER AMERICAN RECOVERY  
AND REINVESTMENT ACT OF 2009**

**Preamble**

The American Recovery and Reinvestment Act of 2009, Pub. L. 111-5, (Recovery Act) was enacted to preserve and create jobs and promote economic recovery, assist those most impacted by the recession, provide investments needed to increase economic efficiency by spurring technological advances in science and health, invest in transportation, environmental protection, and other infrastructure that will provide long-term economic benefits, stabilize State and local government budgets, in order to minimize and avoid reductions in essential services and counterproductive State and local tax increases. Recipients shall use grant funds in a manner that maximizes job creation and economic benefit.

The Recipient shall comply with all terms and conditions in the Recovery Act relating generally to governance, accountability, transparency, data collection and resources as specified in Act itself and as discussed below.

Recipients should begin planning activities for their first tier subrecipients, including obtaining a DUNS number (or updating the existing DUNS record), and registering with the Central Contractor Registration (CCR).

Be advised that Recovery Act funds can be used in conjunction with other funding as necessary to complete projects, but tracking and reporting must be separate to meet the reporting requirements of the Recovery Act and related guidance. For projects funded by sources other than the Recovery Act, Contractors must keep separate records for Recovery Act funds and to ensure those records comply with the requirements of the Act.

The Government has not fully developed the implementing instructions of the Recovery Act, particularly concerning specific procedural requirements for the new reporting requirements. The Recipient will be provided these details as they become available. The Recipient must comply with all requirements of the Act. If the recipient believes there is any inconsistency between ARRA requirements and current award terms and conditions, the issues will be referred to the Contracting Officer for reconciliation.

**Definitions**

For purposes of this clause, Covered Funds means funds expended or obligated from appropriations under the American Recovery and Reinvestment Act of 2009, Pub. L. 111-5. Covered Funds will have special accounting codes and will be identified as Recovery Act funds in the grant, cooperative agreement or TIA and/or modification using Recovery Act funds. Covered Funds must be reimbursed by September 30, 2015.

Non-Federal employer means any employer with respect to covered funds -- the contractor, subcontractor, grantee, or recipient, as the case may be, if the contractor, subcontractor, grantee, or recipient is an employer; and any professional membership organization, certification of other professional body, any agent or licensee of the Federal government, or any person acting directly or indirectly in the interest of an employer receiving covered funds; or with respect to covered funds received by a State or local government, the State or local government receiving the funds and any contractor or

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subcontractor receiving the funds and any contractor or subcontractor of the State or local government; and does not mean any department, agency, or other entity of the federal government.

Recipient means any entity that receives Recovery Act funds directly from the Federal government (including Recovery Act funds received through grant, loan, or contract) other than an individual and includes a State that receives Recovery Act Funds.

#### Special Provisions

##### A. Flow Down Requirement

Recipients must include these special terms and conditions in any subaward.

##### B. Segregation of Costs

Recipients must segregate the obligations and expenditures related to funding under the Recovery Act. Financial and accounting systems should be revised as necessary to segregate, track and maintain these funds apart and separate from other revenue streams. No part of the funds from the Recovery Act shall be commingled with any other funds or used for a purpose other than that of making payments for costs allowable for Recovery Act projects.

##### C. Prohibition on Use of Funds

None of the funds provided under this agreement derived from the American Recovery and Reinvestment Act of 2009, Pub. L. 111-5, may be used by any State or local government, or any private entity, for any casino or other gambling establishment, aquarium, zoo, golf course, or swimming pool.

##### D. Access to Records

With respect to each financial assistance agreement awarded utilizing at least some of the funds appropriated or otherwise made available by the American Recovery and Reinvestment Act of 2009, Pub. L. 111-5, any representative of an appropriate inspector general appointed under section 3 or 8G of the Inspector General Act of 1988 (5 U.S.C. App.) or of the Comptroller General is authorized –

(1) to examine any records of the contractor or grantee, any of its subcontractors or subgrantees, or any State or local agency administering such contract that pertain to, and involve transactions that relate to, the subcontract, subgrant, grant, or subgrant; and

(2) to interview any officer or employee of the contractor, grantee, subgrantee, or agency regarding such transactions.

##### E. Publication

An application may contain technical data and other data, including trade secrets and/or privileged or confidential information, which the applicant does not want disclosed to the public or used by the Government for any purpose other than the application. To protect such data, the applicant should specifically identify each page including each line or paragraph thereof containing the data to be protected and mark the cover sheet of the application with the following Notice as well as referring to the Notice on each page to which the Notice applies:

##### Notice of Restriction on Disclosure and Use of Data

The data contained in pages ---- of this application have been submitted in confidence and contain trade secrets or proprietary information, and such data shall be used or disclosed only for evaluation purposes, provided that if this applicant receives an award as a result of or in connection with the submission of this application, DOE shall have the right to use or disclose the data here to the extent provided in the award. This restriction does not limit the Government's right to use or disclose data obtained without restriction from any source, including the applicant.

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Information about this agreement will be published on the Internet and linked to the website [www.recovery.gov](http://www.recovery.gov), maintained by the Accountability and Transparency Board. The Board may exclude posting contractual or other information on the website on a case-by-case basis when necessary to protect national security or to protect information that is not subject to disclosure under sections 552 and 552a of title 5, United States Code.

#### F. Protecting State and Local Government and Contractor Whistleblowers.

The requirements of Section 1553 of the Act are summarized below. They include, but are not limited to: Prohibition on Reprisals: An employee of any non-Federal employer receiving covered funds under the American Recovery and Reinvestment Act of 2009, Pub. L. 111-5, may not be discharged, demoted, or otherwise discriminated against as a reprisal for disclosing, including a disclosure made in the ordinary course of an employee's duties, to the Accountability and Transparency Board, an inspector general, the Comptroller General, a member of Congress, a State or Federal regulatory or law enforcement agency, a person with supervisory authority over the employee (or other person working for the employer who has the authority to investigate, discover or terminate misconduct), a court or grant jury, the head of a Federal agency, or their representatives information that the employee believes is evidence of:

- gross management of an agency contract or grant relating to covered funds;
- a gross waste of covered funds;
- a substantial and specific danger to public health or safety related to the implementation or use of covered funds;
- an abuse of authority related to the implementation or use of covered funds; or
- as violation of law, rule, or regulation related to an agency contract (including the competition for or negotiation of a contract) or grant, awarded or issued relating to covered funds.

Agency Action: Not later than 30 days after receiving an inspector general report of an alleged reprisal, the head of the agency shall determine whether there is sufficient basis to conclude that the non-Federal employer has subjected the employee to a prohibited reprisal. The agency shall either issue an order denying relief in whole or in part or shall take one or more of the following actions:

- Order the employer to take affirmative action to abate the reprisal.
- Order the employer to reinstate the person to the position that the person held before the reprisal, together with compensation including back pay, compensatory damages, employment benefits, and other terms and conditions of employment that would apply to the person in that position if the reprisal had not been taken.
- Order the employer to pay the employee an amount equal to the aggregate amount of all costs and expenses (including attorneys' fees and expert witnesses' fees) that were reasonably incurred by the employee for or in connection with, bringing the complaint regarding the reprisal, as determined by the head of a court of competent jurisdiction.

Nonenforceability of Certain Provisions Waiving Rights and remedies or Requiring Arbitration: Except as provided in a collective bargaining agreement, the rights and remedies provided to aggrieved employees by this section may not be waived by any agreement, policy, form, or condition of employment, including any predispute arbitration agreement. No predispute arbitration agreement shall be valid or enforceable if it requires arbitration of a dispute arising out of this section.

Requirement to Post Notice of Rights and Remedies: Any employer receiving covered funds under the American Recovery and Reinvestment Act of 2009, Pub. L. 111-5, shall post notice of the rights and remedies as required therein. (Refer to section 1553 of the American Recovery and Reinvestment Act of 2009, Pub. L. 111-5, [www.Recovery.gov](http://www.Recovery.gov), for specific requirements of this section and prescribed language for the notices.).

#### G. Request for Reimbursement

Recipients must provide information with its submission of the SF-270, Request for Advance or Reimbursement, to identify the portion of the request that is associated with Recovery Act projects.



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#### H. False Claims Act

Recipient and sub-recipients shall promptly refer to the DOE or other appropriate Inspector General any credible evidence that a principal, employee, agent, contractor, sub-grantee, subcontractor or other person has submitted a false claim under the False Claims Act or has committed a criminal or civil violation of laws pertaining to fraud, conflict of interest, bribery, gratuity or similar misconduct involving those funds.

#### I. Information in Support of Recovery Act Reporting

Recipient may be required to submit backup documentation for expenditures of funds under the Recovery Act including such items as timecards and invoices. Recipient shall provide copies of backup documentation at the request of the Contracting Officer or designee.

#### J. Availability of Funds

Funds appropriated under the Recovery Act and obligated to this award are available for reimbursement of costs until September 30, 2015.

#### K. RESERVED

#### L. RESERVED

### **REPORTING AND REGISTRATION REQUIREMENTS UNDER SECTION 1512 OF THE RECOVERY ACT**

(a) This award requires the recipient to complete projects or activities which are funded under the American Recovery and Reinvestment Act of 2009 (Recovery Act) and to report on use of Recovery Act funds provided through this award. Information from these reports will be made available to the public.

(b) The reports are due no later than ten calendar days after each calendar quarter in which the recipient receives the assistance award funded in whole or in part by the Recovery Act.

(c) Recipients and their first-tier subrecipients must maintain current registrations in the Central Contractor Registration (<http://www.ccr.gov>) at all times during which they have active federal awards funded with Recovery Act funds. A Dun and Bradstreet Data Universal Numbering System (DUNS) Number (<http://www.dnb.com>) is one of the requirements for registration in the Central Contractor Registration.

(d) The recipient shall report the information described in section 1512(c) of the Recovery Act using the reporting instructions and data elements that will be provided online at <http://www.FederalReporting.gov> and ensure that any information that is pre-filled is corrected or updated as needed.

### **RECOVERY ACT TRANSACTIONS LISTED IN SCHEDULE OF EXPENDITURES OF FEDERAL AWARDS AND RECIPIENT RESPONSIBILITIES FOR INFORMING SUBRECIPIENTS**

(a) To maximize the transparency and accountability of funds authorized under the American Recovery and Reinvestment Act of 2009 (Pub. L. 111--5) (Recovery Act) as required by Congress and in accordance with 2 CFR 215.21 "Uniform Administrative Requirements for Grants and Agreements" and OMB Circular A-- 102 Common Rules provisions, recipients agree to maintain records that identify adequately the source and application of Recovery Act funds. OMB Circular A--102 is available at <http://www.whitehouse.gov/omb/circulars/a102/a102.html>.

(b) For recipients covered by the Single Audit Act Amendments of 1996 and OMB Circular A--133, "Audits of States, Local Governments, and Non-Profit Organizations," recipients agree to separately identify the expenditures for Federal awards under the Recovery Act on the Schedule of Expenditures of Federal Awards (SEFA) and the Data Collection Form (SF--SAC) required by OMB Circular A--133. OMB Circular A--133 is available at <http://www.whitehouse.gov/omb/circulars/a133/a133.html>. This shall be accomplished by identifying expenditures for Federal awards made under the Recovery Act separately on the SEFA, and as separate rows under Item 9 of Part III on the SF--SAC by CFDA number, and inclusion of the prefix "ARRA-" in identifying the name of the Federal program on the SEFA and as the first characters in Item 9d of Part III on the SF--SAC.

(c) Recipients agree to separately identify to each subrecipient, and document at the time of subaward and at the time of disbursement of funds, the Federal award number, CFDA number, and amount of Recovery Act funds. When a recipient awards Recovery Act funds for an existing program, the information furnished to subrecipients shall distinguish the subawards of incremental Recovery Act funds from regular subawards under the existing program.

(d) Recipients agree to require their subrecipients to include on their SEFA information to specifically identify Recovery Act funding similar to the requirements for the recipient SEFA described above. This information is needed to allow the recipient to properly monitor subrecipient expenditure of ARRA funds as well as oversight by the Federal awarding agencies, Offices of Inspector General and the Government Accountability Office.